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Dmytro Firtash Is Innocent – and He Can Help Improve Ukraine – U.S. Relations

By **Lanny J. Davis** September 01, 2021

AP Photo/Ronald Zak

United States President Joe Biden and Ukraine President Volodymyr Zelensky are meeting today, September 1, at the White House. The two share much in common – especially a commitment to democracy and better national relations.

Presidents Biden and Zelensky also share a record of standing up to bullying and lies by former President Donald Trump. And both leaders stand firmly against corruption, support the due process of law, and believe in the presumption of innocence.

That is why I am hoping both presidents will review and consider the facts and truth about Dmytro Firtash and not the widespread innuendo and false reporting about Mr. Firtash throughout U.S., European, and Ukrainian media in the last eight plus years. If they do, they will find Mr. Firtash is a supporter of their anti-corruption, pro-democracy agenda and supports good relations between our two countries. See Mr. Firtash's **May 21, 2014 op-ed** published in the Kyiv Post calling for an "independent and strong" Ukraine for more on this subject.

Below are some of the most egregious and false "myths" spread throughout the media – as if by sheer repetition lies can be made true – followed by my factual contradictions of those false reports.

Let me start with the one that is false – and may understandably have given President Biden, whom I strongly admire and support, a negative (but misguided) impression of Mr. Firtash.

Myth: Firtash was involved with efforts by Rudy Giuliani (and former

My Mr. Firtash was involved with efforts by Rudy Giuliani (and former

President Trump) to dig up dirt on President Biden and his son.

- FACT: That is false. Mr. Firtash and his two U.S. attorneys, Dan Webb, former Chicago U.S. Attorney, and myself have **categorically denied this lie**. Mr. Firtash has *never once spoken to Giuliani* or ever approved of anything Giuliani and former President Trump tried to do in spreading lies about Mr. Biden and his son.

Nevertheless, U.S. mainstream and European media continue to repeat the guilt-by-association, utterly false innuendo that Mr. Firtash worked with Giuliani and former President Trump to dirty up President Biden and his son. I have repeatedly called reporters asking them to retract and correct this falsehood but have only had mixed success.

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Myth: Firtash has been charged by U.S. prosecutors for the *bribery* of an Indian official to obtain a mining license.

- FACT: *The 2013 indictment of Mr. Firtash does not charge him with bribing anyone*. Yet if you Google “Firtash and bribery,” you will get thousands of results. This shows even mainstream reporters who repeat this falsehood haven’t even read the indictment. They also don’t report that the alleged “bribery scheme” never led to any titanium mining in India occurring. An unproven “scheme” ending up with ... nothing is all that is alleged.
- FACT: The Chicago prosecutors made an error in saying a document they told the Austrians came from Mr. Firtash and his group was “*very clear proof*” of Mr. Firtash’s guilt. As it turns out, the document was actually created by McKinsey & Company and was never seen by or known to Mr. Firtash and his group. This was

confirmed on December 31, 2018 by the New York Times. Yet to date, to my knowledge the Chicago prosecutors have never disclosed their error to Austrian prosecutors or the media.

- **FACT:** Mr. Firtash has never been to the U.S., never done business in the U.S., and has no business representative in the U.S. So why would U.S. prosecutors indict Mr. Firtash in the U.S. when no bribes were even alleged within the nation of India and no mine ever happened? Moreover, while US prosecutors charged Mr. Firtash, Indian authorities reportedly investigated these same US allegations and never charged anyone in India with a crime, even a “scheme” to accept a bribe. Why Chicago prosecutors brought this indictment 8 years ago is still a mystery. Nor has US media shown much interest in addressing that question.

MYTH: The U.S. arrest and extradition request of Mr. Firtash involved no evidence of political motivation.

- **FACT:** This is false. As reported in the New York Times **here**, there was substantial evidence at a full day public trial in Austria in April 2015 that the U.S. government (including the State Department) showed “political motivation” in the timing of the arrest and extradition request of Mr. Firtash. The Austrian judge noted that the State Department was involved in decisions first to ask Austrian authorities to arrest Mr. Firtash in November 2013, then a few days later to withdraw the arrest warrant, and then the following March 2014 to seek Mr. Firtash’s arrest when he was in Vienna with his family. The timing of those arrest decisions, the court found, were all correlated with policy changes by the Ukrainian president at the time, who the U.S. believed was supported by Mr. Firtash. See the **New York Times report** on this evidence when the court announced his decision on April 30 rejecting the U.S. extradition request (later reversed on appeal on other legal grounds, but the extradition decision remains stayed pending further review by the trial court.)

Note, perhaps ironically, that it has been the U.S. who insists under its extradition treaties on a finding of no “political motivation” before it will allow extradition of a foreign country citizen to that country.

MYTH: Political lobbying and “corruption” has delayed that extradition of Firtash to the U.S.

- **FACT:** That assertion is false. There has been no political lobbying by Mr. Firtash or his representatives. The extradition remains in the Austrian courts under review, and the original decision to deny the extradition of Mr. Firtash was made after a full day's public court hearing where all due process rules were followed, and both sides (with the Austrian government representing the U.S.'s view that extradition should be granted) had the opportunity to present evidence. The judge then denied extradition in a written decision over 180 pages long. To ignore those facts and make a baseless accusation of corruption is not only regrettable, it is an insult to an Austrian democracy that follows the rule of law.

Myth: Firtash has had business connections to Russian organized crime and a particular individual allegedly associated with the mob.

- **FACT:** That much repeated charge is false. Mr. Firtash has not been involved in business with anyone associated in Russian organized crime nor ever “sought approval” for his gas or any other deals to do so, as has been falsely and repeatedly reported. He has repeatedly denied this lie publicly. See [here](#) for most recent categorical denial.

A primary source of this lie came from the former Ukrainian Prime Minister Julia Tymoshenko. She was a competitor of Mr. Firtash in the natural gas business. Recently, she was soundly defeated by President Zelensky in Ukraine's 2019 election.

In 2013, Tymoshenko hired U.S. public relations and law firms and spent substantial sums to widely publicize her RICO/racketeering case she filed in NYC federal court against Mr. Firtash and others. She received widespread media attention in return for her sizable investment. Included in her complaint were multiple allegations that Mr. Firtash was a mobster and involved with the Russian mob, which was then reported uncritically repeatedly by mainstream media. Those allegations were then and remain utterly false.

In September 2015, a respected NYC U.S. District Court Judge not only threw out Tymoshenko's bogus complaints for the fourth time. She also wrote a written opinion concluding that Tymoshenko should be *barred* from ever filing the case again. See her written opinion, [here](#).

Not surprisingly, in contrast to the media's widespread reporting of Tymoshenko's false charges about Mr. Firtash's mob connections, the dismissal of Tymoshenko's case *with prejudice for the fourth time* was barely reported by the same media that publicized her false and reckless charges.

Two other sources of this false charge of Mr. Firtash's business association with Russian organized crime can be traced.

First, there was a leaked cable sent by a U.S. Ambassador to Ukraine in 2010, based on notes taken after a personal meeting with Mr. Firtash. At that meeting, Mr. Firtash spoke in his only language, Russian, and the American notetaker relied on an English translator. Mr. Firtash has consistently and publicly denied the assertion that during that meeting he said he needed the “approval” of an alleged Russian mobster to complete a gas deal and insists it was a translation error.

Second, there was the unsupported allegation made by the U.S. government in court that Mr. Firtash was associated with Russian organized crime. That is not true. It is unfair that the government made such a claim (which it *did* not allege in its indictment) and the media headlines it generated demonstrate this unfairness.

Myth: Certain officials in President Zelensky’s government recently announced – without revealing any facts or evidence – sanctions against Mr. Firtash for allegedly selling titanium to “Russian military enterprises.”

- **FACT:** That charge was and is false and unsupported by any facts or evidence, and it received headlines throughout the media in the U.S., Europe, and Ukraine. The sanctions remain in place, harming Mr. Firtash economically, without an ounce of due process or facts to support them. When Mr. Firtash’s attorneys publicly challenged these Ukrainian officials to produce any evidence, they were unwilling or unable to do so.

Moreover, these Ukrainian officials failed to disclose that *a Ukraine government-owned company was then and now selling titanium raw materials to a Russian company that is the largest titanium producer in the world*. This fact was also virtually ignored by the same media all over the Internet that publicized the Ukrainian government’s utterly bogus sanctions of Mr. Firtash – still in place without a shred of evidence or due process. See [my op-ed in the Kyiv Post](#), which deals with these false allegations in detail.

In sum, my message to President Zelensky and President Biden: Once the facts are examined and Mr. Firtash is vindicated as an innocent man, the positions he has publicly taken in support of democracy,

independence, and close U.S.-Ukraine relations should be helpful to you both.

The pejorative term “oligarch,” implying wealth achieved with corruption, is applied to Mr. Firtash across the media and is just another example of innuendo without facts. The frequent use of the term ignores Mr. Firtash’s early history after the break-up of the Soviet Union when he and his family were impoverished, and he learned to survive through bartering goods in return for milk and food.

Moreover, as stated above, Mr. Firtash achieved his substantial business success over the years without ever being convicted of any corruption charge, in private business or government.

In 2015, Mr. Firtash’s stand against corruption in Ukraine was demonstrated when he helped create and fund a broad-based anti-corruption NGO called the “**Agency for the Modernization of Ukraine**” or “AMU.” The AMU’s leaders include the former prime minister of Poland, the founder of Doctors Without Borders and former French Minister of Foreign Affairs, and the former Director of Public Prosecutions of England and Wales.

Yes, Mr. Firtash’s vindication in the U.S. courts will take time.

But facts and truth should count in the court of public opinion. All Mr. Firtash – and his legal team here in the U.S. and in Austria – ask is that the media and the U.S. public (and, we hope, Presidents Biden and Zelensky as well) take the time to review the *facts* for themselves. We hope all will resist the temptation to be influenced by repeated myths and false innuendo, no matter how many times they are repeated via Google, as surrogates for the truth.

The dystopian era of Donald Trump’s lies and “alternative facts” should be over.

Mr. Davis is an attorney representing Mr. Dmytro Firtash. He is founding partner in the Washington D.C. law firm, Davis Goldberg Galper. He served as Special Counsel to President Bill Clinton in 1996-98 and as a member of President George H. Bush’s Privacy and Civil Liberties Oversight Board in 2006-07. He has been a columnist for The Hill newspaper and online and a media commentator and political analyst for the last two decades.

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